THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE D. APPA RAO

Taken up Writ Petition No.4725 of 2007

Date: 20-03-2007

Between:

M. Sitamahalakshmi,
W/o. M.S.S. Chakravarthy,
Mulagalampalli,
West Godavari District.

… Petitioner/s

And

The Circle Inspector of Police,
Jangareddigudem Circle,
Jangareddigudem,
West Godavari District and another.

… Respondent/s

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ORAL ORDER: (per the Hon'ble Sri Justice D. Appa Rao)

Heard the learned Assistant Government Pleader, representing the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of the telegrams, dated 02-03-2007 sent by one Smt. M. Sitamahalakshmi, alleging that her husband Sri M.S.S. Chakravarthy was illegally detained by the Circle Inspector of Police, Jangareddigudem Circle at Mulagalampalli on 02-03-2007 and she apprehends danger to his life.

3. The Circle Inspector of Police, Jangareddigudem Circle, West Godavari District, has filed a counter affidavit, *inter alia*, stating that there were some disputes between the alleged detenu and one Jaladi Umadevi, basing on her complaint, dated 12-12-2005, a case in Crime No.225 of 2005 for the offence punishable under Section 420 of Indian Penal Code and Section 3 (1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was registered on the file of the Jangareddigudem Police Station. It is also stated that later when investigation was made it was found that no case was made out against the alleged detenu and accordingly a final report was filed on 20-04-2006 before the learned II Additional Judicial First Class Magistrate, Kovvur, West Godavari District. It is further stated that in

the course of investigation, the parties have entered into compromise. However, again on the ground that some amounts were not paid, they fell through. In that regard, the police have called the parties and advised them not to unnecessarily quarrel and if they have any disputes, they could as well approach the competent forum. In fact, the alleged detenu obtained an anticipatory bail in Crl.P.No.896 of 2007. Since the alleged detenu was not taken in custody, the deponent produced the alleged detenu before the Mandal Executive Magistrate, Jeelugumilli, on 13-03-2007 where he gave a statement that he was not detained by the police, which is appended herewith, we do not find any reason to disbelieve the same.

4. In view of the fact that the alleged detenu has been moving freely and a responsible office i.e., Mandal Executive Magistrate has recorded his statement, we do not see any ground whatsoever to continue the writ petition any further and the writ petition is liable to be dismissed.

5. The writ petition is accordingly closed, at the stage of admission. However, there shall be no order as to costs.

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JUSTICE D.S.R.VARMA

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JUSTICE D. APPA RAO

20-03-2007.
Msr.

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